

Crime in Massachusetts – 1960-1998

The following is a representation of crime trends in Massachusetts for the past thirty-eight years. The charts displayed illustrate the rates for the seven index crimes (i.e., murder, rape, robbery, aggravated assault, burglary, larceny and motor vehicle theft) per 100,000 inhabitants for the years 1960-1998 inclusive.

Crime rates across the board have been dropping in recent years. Six out of the seven index offenses are at the lowest they have been in a decade or more.



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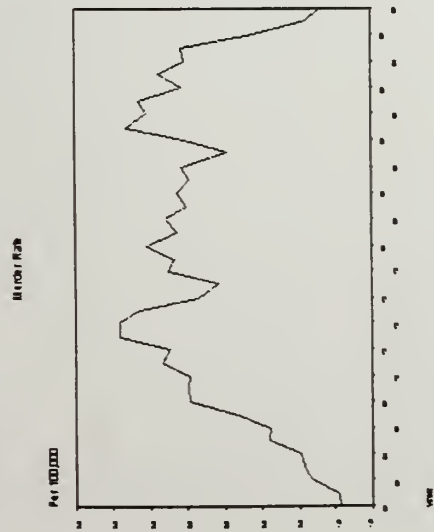


Figure 1 - Murder

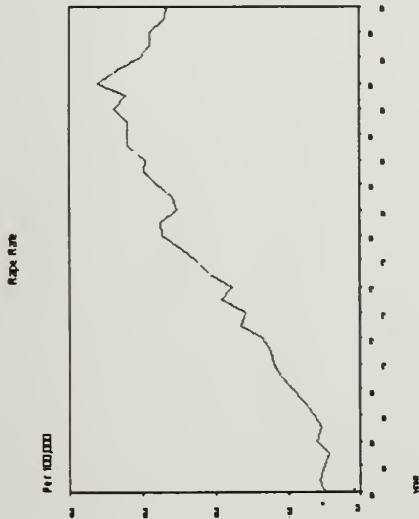


Figure 2 - Rape

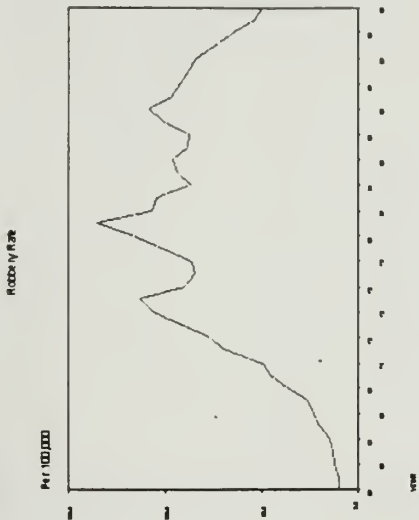


Figure 3 - Robbery

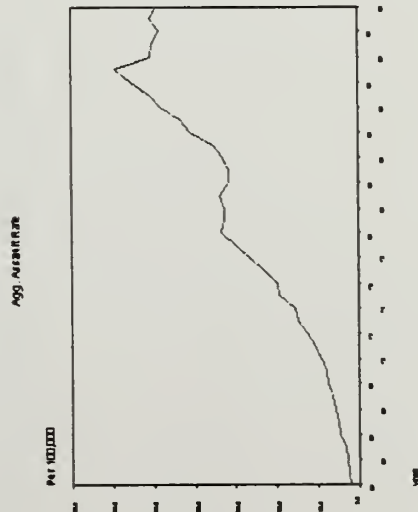


Figure 4 - Aggravated Assault

Murder

Lowest rate since 1962

Rape

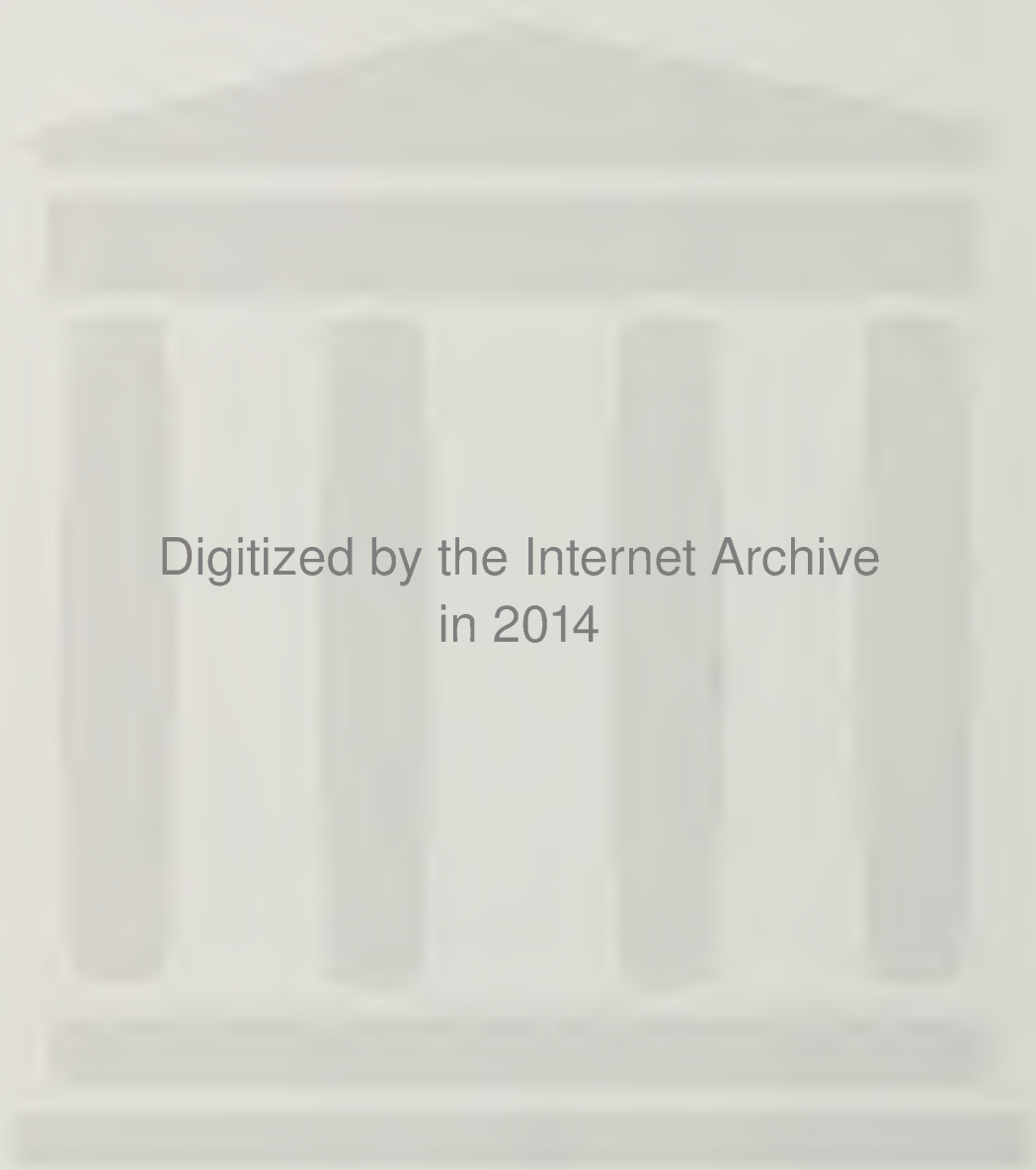
Lowest rate since 1983

Robbery

Lowest rate since 1970

Agg. Assault

Still high, but moving down



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Burglary Rate

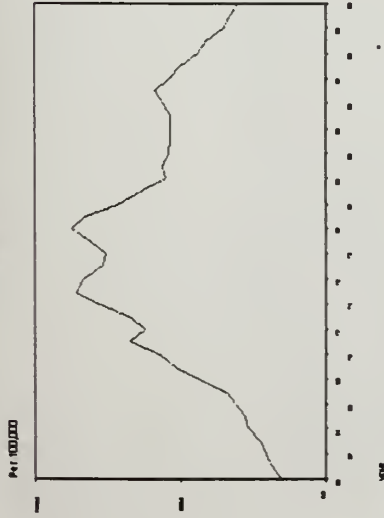


Figure 5 - Burglary

Burglary

Lowest rate since 1966

Larceny Rate

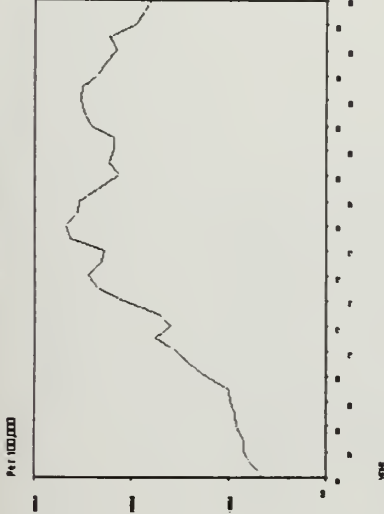


Figure 6 - Larceny

Larceny

Lowest rate since 1971

Motor Veh. Theft Rate

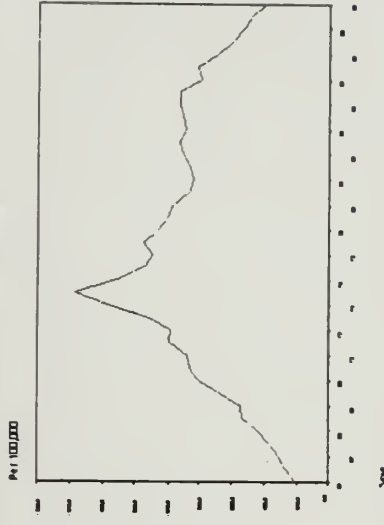


Figure 7 - Motor Veh. Theft

Motor Veh. Theft

Lowest rate since 1964

(N.Y. Dist. Ct. 1977); *Royals v. Commonwealth*, 198 Va. 876 (1957). See also Latin, Tannehill & White, Remote Sensing Evidence and Environmental Law, 64 Calif. L. Rev. 1300, 1413-1414 (1976). There has been a divergence in views, however, on the issue as to what tests are sufficient to prove accuracy. In this respect, some courts have found adequate foundations in various combinations of the following three means of testing radar speedometers: (1) a "run through," in which another police car closes on the site, holding a given speedometer reading; (2) use of calibrated tuning forks, intended to produce frequencies which will cause the machine, if accurate, to read particular speeds; and (3) use of a signal generator within the machine for the same purpose. See McCormick, *supra*.⁴

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It is our opinion that some foundation requirement pertaining to the accuracy of the particular radar instrument is appropriate in order to ensure that the persuasive force of scientific results is not improperly triggered. At present, however, we do not insist that this foundation be based exclusively on any one or two of the three principal tests or that testing occur with any given frequency. Instead, in any case where the issue is raised by the defendant, we leave it to the discretion of the trial judge to determine when a sufficient showing of the particular radar instrument's accuracy has been made. See *Commonwealth v. Buxton*, 205 Mass. 49, 52 (1910); *Guinn v. Famous Players-Lasky Corp.*, 267 Mass. 501, 521-522 (1929). We assume that judges will closely examine the nature of all testing procedures and that they will be guided in their admission decisions by the quality of the tests performed, rather than by their quantity. See *People v. Perlman*, *supra* at 978. At the same time, we expect that the testing requirements judges impose will not be so onerous as to make use of radar devices a practical impossibility.⁵ For example, the "run through" test referred to, *supra*, is a simple procedure in which the test automobile's speedometer and the radar unit are mutually corroborative, although neither device may have been tested by more sophisticated methods.

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The issue as to what constitutes adequate testing we leave to a consideration of specific future cases as appraised in light of the general principles included in this opinion.

2. Statutory Elements of G. L. c. 90, § 17.

The second issue raised by the defendant questions whether a motorist may be adjudged guilty of operating a vehicle at an unreasonable speed absent any proof of the distance of such operation. More specifically, it is the defendant's contention that the prosecution failed to present evidence establishing, as provided in G. L. c. 90, § 17,¹ that the defendant drove her car for a distance of one-quarter of a mile at a rate exceeding fifty-five miles an hour. Urging that this was a crucial element of the crime charged, the defendant argues that her conviction was violative of the due process clause of the Fourteenth Amendment to the United States Constitution. *Vachon v. New Hampshire*, 414 U.S. 478 (1974).

We believe that the defendant has misconstrued the statute. The elements which the Commonwealth must prove to sustain a conviction are contained in the first sentence of the section. There it states that "[n]o person ... shall run [a motor vehicle] at a rate of speed greater than is reasonable and proper, having regard to traffic and the use of the way and safety of the public." Thus, the Commonwealth's only burden is to present such evidence

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as to permit the trier of fact to find beyond a reasonable doubt that the defendant has failed so to operate his motor vehicle. *Commonwealth v. Roworth*, 257 Mass. 212, 217 (1926); *Commonwealth v. Cassidy*, 209 Mass. 24, 28 (1911). Distance travelled may be relevant, but it certainly is not a required element of proof.

The language of the section that the defendant relies on does not create a statutory element of the offense. It merely sets forth prima facie evidence of a statutory violation.

⁴Standards for testing radar speedometer equipment might well be a subject for legislative consideration. In at least two jurisdictions admission of radar evidence in speeding prosecutions is facilitated by a certification procedure for radar equipment.

